

Issued May 27, 1911.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 865, FOOD AND DRUGS ACT.

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#### MISBRANDING OF "UNCLE SAM ANTI-DYSPEPTIC BREAKFAST FOOD."

On or about January 22, 1910, the Uncle Sam Breakfast Food Company, Omaha, Nebr., shipped from the State of Nebraska into the State of Ohio 100 packages of a food product each of which was labeled "Uncle Sam Anti-Dyspeptic Breakfast Food. Patented November 17, 1908. Trade Mark Registered. Merit wins. Manufactured by Uncle Sam Breakfast Food Company, Omaha, Neb. \* \* \* Will relieve constipation in three days. \* \* \* Tendency to appendicitis avoided by eating Uncle Sam 'Food for Health.'" Samples from this shipment were procured, analyzed, and examined microscopically by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a linseed and wheat product consisting of ether extract (fat) 20.05 per cent, protein 20.43 per cent, and fiber 6.06 per cent, and not possessing the medicinal properties claimed for it in said label. As the findings of the analyst and report thereon showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Uncle Sam Breakfast Food Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On August 30, 1910, a criminal information was filed in the District Court of the United States for the District of Nebraska against the said Uncle Sam Breakfast Food Company, charging the above shipment and alleging that the product so shipped was misbranded in that it was labeled and branded so as to deceive and mislead purchasers, it being represented as a breakfast food with medicinal properties

capable of affording relief in cases of constipation and preventing appendicitis, whereas in truth and in fact said product possesses no medicinal properties which would warrant the claims so made for it. On the ensuing day the defendant entered a plea of guilty to the above information and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 5, 1911.*

865

